

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, June 26, 2002

IMPLEMENTATION OF SENATE BILL 575 (O'CONNELL)
AUTOMATIC FIRE DETECTION/ALARM AND AUTOMATIC SPRINKLER SYSTEMS

PURPOSE OF REPORT

To present proposed regulations which allow additional funding for automatic fire detection/alarm systems and automatic sprinkler systems in certain school construction projects.

DESCRIPTION

Senate Bill (SB) 575 (O'Connell) requires certain new construction project plans submitted to the Division of the State Architect (DSA) on or after July 1, 2002, to include an automatic fire detection/alarm system and an automatic sprinkler system. SB 575 also requires certain modernization plans submitted to the DSA on or after July 1, 2002 to include an automatic fire detection/alarm system.

The statute also requires the State Allocation Board (SAB) to adjust the new construction and modernization per pupil grants as necessary to provide:

State funding for 50 percent of the additional cost associated with these additional fire code requirements for new construction projects.

State funding for 80 percent of the additional cost associated with these additional fire code requirements for modernization projects.

Additionally, any project submitted to the DSA on or after September 1, 2001, that includes a qualifying fire detection and alarm system or a fire detection, alarm and sprinkler system that has not been fully funded prior to July 1, 2002, is eligible for the additional funding as described above.

STAFF COMMENTS

The Office of Public School Construction (OPSC) has completed a study of the additional costs associated with these additional fire code requirements. The study and the recommended increase in the per pupil grant amounts have been reviewed by the SAB Implementation Committee.

The OPSC recommends that the SAB adopt the attached regulations on an emergency basis, as they are necessary for the immediate preservation of the public peace, health and safety, or general welfare. Since the statute requires school districts to include automatic fire detection/alarm and/or sprinkler systems in certain project plans submitted to the DSA on or after July 1, 2002, it is appropriate to recommend emergency adoption of the proposed regulations for the following reasons:

The health and safety of pupils is at risk as a result of additional fire code requirements.

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STAFF COMMENTS (cont.)

Since many new construction projects will be funded with the remaining Proposition 1A funds in August 2002, and most districts operate on a nine-month calendar, it is logical for the SAB to include this additional fire code funding in the projects so the work can be accomplished at one time.

Immediate funding of the projects would stimulate the economy by providing immediate employment in order to complete the necessary work.

RECOMMENDATIONS

1. Adopt the proposed new regulations and regulation amendments as shown on Attachment A.
2. Adopt the proposed amendments to the *Application for Funding*, Form SAB 50-04 (Revised 07/02) as shown on Attachment B.
3. Authorize the OPSC to file these proposed new regulations and regulation amendments on an emergency basis for the reasons stated above and begin the regulatory process with the Office of Administrative Law.

Attachment A
Proposed New Regulations and Regulatory Amendments
For the Implementation of SB 575

Adopt Regulation Section 1859.71.2 as follows:

Section 1859.71.2. New Construction Additional Grant for Fire Code Requirements.

- (a) In addition to the funding provided by Subdivision (a) of Education Code (EC) Section 17072.10 and Regulation Section 1859.71.1, the Board shall provide the following grant amounts for each pupil included in an approved new construction project if the project includes an automatic fire detection and alarm system as described in EC Section 17074.52:
- (1) \$26.82 for each elementary school pupil.
 - (2) \$33.65 for each middle school pupil.
 - (3) \$25.94 for each high school pupil.
 - (4) \$80.06 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
 - (5) \$53.57 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) In addition to the funding provided by Subdivision (a) of EC Section 17072.10 and Section 1859.71.1, the Board shall provide the following grant amounts for each pupil included in an approved new construction project if the project requires and includes an automatic sprinkler system as described in EC Section 17074.52:
- (1) \$83.67 for each elementary school pupil.
 - (2) \$99.01 for each middle school pupil.
 - (3) \$112.84 for each high school pupil.
 - (4) \$273.86 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
 - (5) \$183.23 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (c) Pursuant to Subdivision (c) of EC Section 17074.56, the Board shall provide the grant amounts shown in (a) and/or(b) above, in addition to the funding provided by Subdivision (a) of EC Section 17072.10 and Section 1859.71.1, for each pupil included in an approved new construction project if all the following criteria are met:
- (1) The final plans for the new construction project were submitted to the DSA for review and approval between September 1, 2001 and June 30, 2002.
 - (2) The final plans for the new construction project included an automatic fire detection and alarm system and/or an automatic sprinkler system as described in Section 17074.52 or the project will include the system(s) prior to the completion of the project.
 - (3) The new construction project did not receive the entire New Construction Adjusted Grant apportionment by June 30, 2002.

The amounts shown in (a) and (b) above shall be adjusted annually in the manner prescribed in Section 1859.71.

Note: Authority cited: Section 17070.35, Education Code

Reference: Sections 17074.50, 17074.52, 17074.54 and 17074.56, Education Code

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Adopt Regulation Section 1859.78.4 as follows:

Section 1859.78.4. Modernization Additional Grant for Fire Code Requirements.

- (a) In addition to the funding provided by Subdivision (a) of Education Code (EC) Section 17074.10 and Section 1859.78.3, the Board shall provide the following grant amounts for each pupil included in an approved modernization project if the project includes an automatic fire detection and alarm system as described in EC Section 17074.52 or the fire detection and alarm system is deferred as authorized by Subdivision (b) of EC Section 17074.50:
- (1) \$104.93 for each elementary school pupil.
 - (2) \$129.95 for each middle school pupil.
 - (3) \$127.40 for each high school pupil.
 - (4) \$335.71 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
 - (5) \$224.61 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) Pursuant to Subdivision (c) of EC Section 17074.56, the Board shall provide the grant amounts shown in (a) above, in addition to the funding provided by Subdivision (a) of EC Section 17074.10 and Section 1859.78.3, for each pupil included in an approved modernization project if all the following criteria are met:
- (1) The final plans for the modernization project were submitted to the DSA for review and approval between September 1, 2001 and June 30, 2002.
 - (2) The final plans for the modernization project included an automatic fire detection and alarm system as described in EC Section 17074.52 or the project will include the system prior to the completion of the project.
 - (3) The modernization project did not receive the entire Modernization Adjusted Grant apportionment by June 30, 2002.

The amounts shown in (a) above shall be adjusted annually in the manner prescribed in Section 1859.71.

Note: Authority cited: Section 17070.35, Education Code

Reference: Sections 17074.50, 17074.52, 17074.54 and 17074.56, Education Code

Amend Regulation Section 1859.72 as follows:

Section 1859.72. New Construction Additional Grant for an Individual with Exceptional Needs.

The New Construction Grant will be increased for the area of therapy rooms used by pupils that are Severely Disabled Individuals with Exceptional Needs. The district may request an increase in the New Construction Grant for therapy area, not to exceed 3,000 square feet, plus 750 square feet per additional Special Day Class classroom needed for Severely Disabled Individuals with Exceptional Needs. The grant amount will be increased by ~~\$450-~~ 153.30 per square foot for toilet facilities and ~~\$75~~ 78.30 per square foot for all other facilities. The amounts shown shall be adjusted annually in the manner prescribed in Section 1859.71.

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Note: Authority cited: Section 17070.35 and 17072.10, Education Code.

Reference: Sections 17072.10, 17072.15, 17072.25, 17074.56 and 56026, Education Code.

Amend Regulation Section 1859.73.2 as follows:

Section 1859.73.2. Construction Additional Grant for Replaced Facilities.

- (a) The New Construction Grant will be increased by the amount(s) in (b) below for the replacement cost of one-story buildings that are demolished at a school in order to increase pupil capacity of that school if all the following conditions are met:
 - (1) The school must be on MTYRE at the time the Approved Application is accepted.
 - (2) The site size as determined by the CDE for the existing capacity of the school is less than 75 percent of the recommended CDE site size.
 - (3) The pupil capacity of the school must be increased by at least the greater of (A) or (B) below:
 - (A) Twenty percent of the existing pupil capacity (before replacement) of the school. Existing pupil capacity shall be determined by multiplying classrooms intended for grades kindergarten through six by 25, classrooms intended for grades seven through 12 by 27, classrooms intended for Non-Severely Disabled Individuals with Exceptional Needs by 13 and classrooms intended for Severely Disabled Individuals with Exceptional Needs by nine. Classrooms shall not include any classrooms reduced from the Gross Classroom Inventory pursuant to Section 1859.32.
 - (B) 200 pupils.
 - (4) The sum of (A) and (B) below is less than the amount determined in (E) below:
 - (A) Determine the estimated cost of demolition of the one-story buildings to be replaced. The cost estimate shall be subject to review by the OPSC for conformance with the Saylor Current Cost Publication.
 - (B) Multiply the square footage of the buildings to be replaced by the Current Replacement Cost.
 - (C) Multiply the New Construction Grants requested in box 2 of the *Application for Funding*, Form SAB 50-04 (Revised 07/04 02), by .01775 for K-6, .021 for 7-8 and .02472 for 9-12.
 - (D) Determine the average appraised value of land per acre, including relocation costs, within the attendance boundaries of the school. The appraisal must be consistent with Section 1859.74.1.
 - (E) Multiply the sums of the products determined in (C) above by the average appraised value of land per acre determined in (D) above.
 - (5) The CDE has determined that the replacement of the one-story buildings on the existing site with multilevel building(s) would be the best available alternative and will not create a school with an inappropriate number of pupils in relation to the size of the site.
 - (6) The one-story buildings to be replaced on the existing site may not be leased facilities.
 - (7) With the exception of portables acquired with Class Size Reduction funds, the one-story buildings to be replaced on the site may not have been funded for either new construction or modernization funds from Proposition 1A funds within the past five years from the date the Approved Application is accepted.
- (b) If the criteria in (a) are met, the New Construction Grant will be increased by ~~\$150~~ 153.30 per square foot for toilet facilities and by ~~\$75~~ 78.30 per square foot for all other facilities included in the one-story buildings to be replaced adjusted for the following:
 - (1) The amounts shall be adjusted annually in the manner prescribed in Section 1859.71.

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- (2) The amounts shall be increased by the percentage authorized in Section 1859.73 if the replacement area will be multilevel building(s).
- (3) The amounts shall be increased for excessive cost grants as provided pursuant to Section 1859.83(a) and (d).

The district is eligible for site development in accordance with Section 1859.76 including the demolition of the replacement structures as part of the New Construction Grant for the SFP project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17071.46 and 17074.56, Education Code.

Amend Regulation Section 1859.82 as follows:

Section 1859.82. Facility Hardship Grant.

A district is eligible for facility hardship grant funding to replace or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. A facility hardship is available for:

- (a) New classrooms and/or subsidiary facilities (corridors, toilets, kitchens and other non-classroom space) or replacement facilities if either (1) or (2) are met:
 - (1) The facilities are needed to ensure the health and safety of the pupils if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk. Factors to be considered by the Board shall include the close proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, industrial facility, adverse air quality emission or other health and safety risks, including structural deficiencies required by the DSA to be repaired, traffic safety or because the pupils reside in remote areas of the district and transportation to existing facilities is not possible or poses a health and safety risk.

If the request is for replacement facilities, a cost/benefit analysis must be prepared by the district and submitted to the OPSC that indicates the total costs to remain in the classroom or related facility and mitigate the problem is at least 50 percent of the Current Replacement Cost of the classroom or related facility. The cost/benefit analysis may include applicable site development costs as outlined in Section 1859.76. If the cost to remain in the classroom or related facility is less than 50 percent of the Current Replacement Cost, the district may qualify for an excessive cost modernization grant for rehabilitation costs pursuant to Section 1859.83 (e).

If the request is for replacement facilities that included structural deficiencies, the cost/benefit analysis must also include a report from a licensed design professional identifying the minimum work necessary to obtain DSA approval. The report must contain a detailed cost estimate of the repairs. The report and cost estimate shall be subject to review by the OPSC for conformance with the Saylor Current Construction Cost Publication and, at the OPSC's discretion, the DSA.

- (2) The classroom or related facility was lost or destroyed as a result of a disaster such as fire, flood or earthquake and the district has demonstrated satisfactorily to the Board that the classroom or related facility was uninsurable or the cost for insurance was prohibitive.

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If the district qualifies for a new or replacement school pursuant to either (1) or (2) above, the district is eligible for a New Construction Grant as a new construction project for the lesser of the pupils housed in the replaced facility based on loading standards pursuant to Education Code Section 17071.25(a)(2) or the latest CBEDS enrollment at the site.

If the district qualifies for replacement facilities on the same site pursuant to either (1) or (2) above, the district is eligible for funding as a new construction project. Replacement facilities shall be allowed in accordance with the square footage amounts provided in the chart in Section (b) below. If the facility eligible for replacement is not shown in the chart in Section (b) below, the replacement facility shall be limited to the square footage replaced. The grant amount provided shall be ~~\$450~~ 153.30 per square foot for toilet facilities and ~~\$75~~ 78.30 per square foot for all other facilities. Additional grants may be provided for applicable site development costs pursuant to Section 1859.76 and excessive cost grants pursuant to Section 1859.83. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

Any grants provided pursuant to either (1) or (2) above will be reduced for any space deemed available by the Board in the district or the HSAA that could be used to house some or all of the displaced pupils, fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

- (b) A multi-purpose room, toilet, gymnasium, school administration or library/media center, facility that meets all the following:
- (1) The facility was lost or destroyed as a result of a disaster, including but not limited to fire, flood or earthquake.
 - (2) The facility is no longer useable for school purposes as recommended by the California Department of Education and approved by the Board.
 - (3) The district has demonstrated satisfactorily to the Board that the facility was uninsurable or the cost of insurance was prohibitive.

If the district qualifies, the district is eligible for funding a new construction project. The funding amount provided shall be ~~\$75~~ 78.30 per square foot for library/media center, school administration, gymnasium and multi-purpose facilities, and/or ~~\$450~~ 153.30 per square foot for toilet facilities. Additional grants may be provided for applicable site development costs pursuant to Section 1859.76 and excessive cost grants pursuant to Section 1859.83. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

Any grants provided pursuant to (b) above, shall be reduced by fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

The square footage provided, after accounting for all useable facilities on the site, shall not exceed the following:

Facility	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose	5.3 sq. ft. per pupil minimum 3,500 sq. ft.	5.3 sq. ft. per pupil minimum 4,500 sq. ft.	6.3 sq. ft. per pupil minimum 7,500 sq. ft.
Mech./Elect.	0.3 sq. ft. per pupil minimum 100 sq. ft.	0.3 sq. ft. per pupil minimum 100 sq. ft.	0.3 sq. ft. per pupil minimum 100 sq. ft.
Food Service	2 sq. ft. per pupil minimum 400 sq. ft. maximum 1,480 sq. ft.	2 sq. ft. per pupil minimum 400 sq. ft. maximum 1,880 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft. maximum 3,975 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium	N/A	7 sq. ft. per pupil minimum 5828 sq. ft.	8 sq. ft. per pupil minimum 7280 sq. ft.
Shower/Locker	N/A	4 sq. ft. per pupil minimum 400 sq. ft.	5 sq. ft. per pupil minimum 500 sq. ft.
P.E. Office	N/A	50 sq. ft./coach	50 sq. ft./coach
P.E. Storage	N/A	0.5 sq. ft. per pupil minimum 500 sq. ft.	0.5 sq. ft. per pupil minimum 500 sq. ft.
Bleachers	N/A	0.9 sq. ft. per pupil maximum 1820 sq. ft.	1.3 sq. ft. per pupil maximum 2600 sq. ft.
Mech/Elect	N/A	0.3 sq. ft. per pupil minimum 100 sq. ft.	0.3 sq. ft. per pupil minimum 100 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil + 600 sq. ft.	3.3 sq. ft. per pupil + 600 sq. ft.	4.3 sq. ft. per pupil + 600 sq. ft.

A district may request a determination of eligibility for facility hardship funding in advance of project funding.

(c) A district seeking replaced facilities as a result of either (a) or (b) above must submit an *Application For Funding*, Form SAB 50-04 (Revised 07/04-02) for the replaced facilities:

- (1) Within 18 months if the replacement facilities will be located on the same site.
- (2) Within 24 months if the replacement facilities will be located on a replacement site.

If an Approved Application for the replaced facility is not accepted within the time periods identified in (c)(1) or (c)(2) above, the Board shall re-review the criteria submitted by the district for replacement of the facility prior to apportionment of the replaced facility.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17074.56, 17075.10 and 17075.15, Education Code.

Amend Regulation Section 1859.107 as follows:

Section 1859.107. Amending and Withdrawal of Applications.

A funding application that received an apportionment under Chapter 12 or Chapter 12.5 may not be rescinded and re-approved under the provisions of any amended law or administrative regulation unless specifically authorized by other applicable law.

A funding application that has received an approval pursuant to Section 1859.95, but has not received an apportionment may receive an adjustment as allowed under Regulation Sections 1859.71, 1859.71.2(c), 1859.78.4(b) or 1859.78 at the time the apportionment is made. If the adjustment is a result of Sections 1859.71.2(c) or 1859.78.4(b), the district must submit an amended *Application for Funding* Form SAB 50-04 (Revised 07/02). The amended application shall retain its OPSC processing date. No other adjustments may be made, including those resulting from changes to the regulations prior to final funding by the SAB. As an alternative, the application may be withdrawn and resubmitted for SAB approval under the provisions of any amended or new regulation that becomes effective prior to the apportionment for the project. The district must first request from the OPSC that the application be withdrawn and removed from the Unfunded List. The district may then resubmit the application to the OPSC under the provisions of the amended or new regulation once it is effective. The resubmitted application will receive a new processing date by the OPSC.

Any application for eligibility determination that has received an approval may be amended to comply with provisions of an amended or new regulation once it is effective. The amended application will receive a new processing date by the OPSC.

A funding application submitted to the OPSC that has not received an approval will receive funding under the provisions of the regulations that were in effect when the application was submitted to the OPSC and any funding adjustment authorized by Sections 1859.71.2(c) or 1859.78.4(b). If the funding adjustment is a result of Sections 1859.71.2(c) or 1859.78.4(b), the district must submit an amended *Application for Funding* Form SAB 50-04 (Revised 07/02). The amended application shall retain its OPSC processing date. At the option of the district, a funding application submitted to the OPSC that has not received an approval may be withdrawn and resubmitted for SAB approval under the provisions of any amended or new regulation once it is effective. The district must request that the application be withdrawn and removed from the OPSC workload list. The resubmitted application will receive a new processing date by the OPSC.

Any application for eligibility determination that has not received an approval may be amended at any time to conform to an amended or new regulation. The application shall retain its OPSC processing date.

Any application for new construction eligibility determination that has received an approval must be amended to conform to Regulation Section 1859.51(l) prior to submittal of an *Application For Funding*, Form SAB 50-04 (Revised ~~09/04~~ 07/02).

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Any application for new construction eligibility determination that has not received an approval must be amended to conform to the *Existing School Building Capacity*, Form SAB 50-02 (Revised 07/01) and the *Eligibility Determination*, Form SAB 50-03 (Revised 07/01) prior to submittal of an *Application For Funding*, Form SAB 50-04 (Revised ~~09/04~~ 07/02).

Any application for modernization eligibility determination that has received an approval must be amended to conform to Regulation Section 1859.61(g) prior to submittal of an *Application For Funding*, Form SAB 50-04 (Revised ~~09/04~~ 07/02).

Any application for modernization eligibility determination that has not received an approval must be amended to conform to the *Eligibility Determination*, Form SAB 50-03 (Revised 07/01) prior to submittal of an *Application For Funding*, Form SAB 50-04 (Revised ~~09/04~~ 07/02).

Districts that have received an approval of eligibility on a HSAA or Super HSAA are not required to re-establish eligibility under the provisions of Section 1859.41(a).

Districts that have requested eligibility determination on a HSAA or Super HSAA that have not received an approval must comply with the provisions of Section 1859.41(a) prior to submittal of an *Application for Funding*, Form SAB 50-04 (Revised ~~07/04~~ 02). The amended eligibility application shall retain its original OPSC processing date.

A district that has received an approval of its eligibility determination on a district-wide, HSAA or Super HSAA basis, but received no New Construction Grants, may re-file on another eligibility determination basis provided it withdraws all previously submitted *Application for Funding*, Form SAB 50-04 (Revised ~~09/04~~ 07/02) requests for New Construction Grants, including those on the Unfunded List.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, ~~and~~ 17070.63, and 17074.56 Education Code.

Adopt Regulation Section 1859.108 as follows:

Section 1859.108. Extension of Fire Code Requirements Exemption.

A portable building that has received a three-year exemption by the DSA from the fire code requirements described in Education Code (EC) Sections 17074.50 and 17074.52 may receive up to an additional three-year extension of that exemption provided all the following criteria are met:

- (a) The portable was acquired or leased with SFP modernization funds.
- (b) The portable was used solely for interim housing during the construction of a SFP modernization project.
- (c) The portable building meets the definition outlined in Subdivision (c) of EC Section 17074.54.
- (d) The district has presented acceptable evidence to the Board that the portable building continues to be needed to house pupils as a result of the SFP modernization project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.54, Education Code.